

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

PSN ILLINOIS, LLC,	)	
AN ILLINOIS CORPORATION,	)	CASE NO.
	)	
PLAINTIFF,	)	
	)	COMPLAINT FOR
	)	PATENT INFRINGEMENT
vs.	)	
	)	
GENSCRIPT CORPORATION,	)	
LIFE TECHNOLOGIES CORPORATION,	)	
DHARMACON, INC., OPEN BIOSYSTEMS,	)	
INC., AND ABBOT BIORESEARCH	)	
CENTER, INC.,	)	
DEFENDANTS.	)	

## COMPLAINT

1. Plaintiff, PSN ILLINOIS, LLC. (“PSN”), complains of defendants (“Defendants”) as follows:

## NATURE OF LAWSUIT

2. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

## THE PARTIES

3. PSN is an Illinois corporation with a place of business at 280 W. Adams Street, Chicago, Illinois 60604.

4. Defendant, GenScript Corporation (GenScript), is a company incorporated in New Jersey with its principal place of business at 120 Centennial Avenue, Piscataway, New Jersey 08854. GenScript transacts business and has sold to customers and/or

offered for sale, in this judicial district, products and services that infringe claims of one or more of PSN's Patents, as discussed below.

5. Defendant Life Technologies Corporation (Life Technologies) is a company incorporated in Delaware with a principal place of business at 5791 Van Allen Way, Carlsbad, California 92008. Applied Biosystems, LLC is a subsidiary of Life Technologies. Invitrogen Corporation has merged into Life Technologies. Life Technologies transacts business and has sold to customers and/or offered for sale, in this judicial district, products and services that infringe claims of one or more of PSN's Patents, as discussed below.

6. Defendant Dharmacon, Inc. (Dharmacon) is a company incorporated in Delaware with its principal place of business at 2650 Crescent Drive #100, Lafayette, Colorado 80026. Dharmacon transacts business and has sold to customers and/or offered for sale, in this judicial district, products and services that infringe claims of one or more of PSN's Patents, as discussed below.

7. Defendant Open Biosystems, Inc. (Open Biosystems) is a company incorporated in Delaware with its principal place of business at 601 Genome Way Ste. 2100, Huntsville, Alabama 35806. Open Biosystems transacts business and has sold to customers and/or offered for sale, in this judicial district, products and services that infringe claims of one or more of PSN's Patents, as discussed below.

8. Defendant, Abbott Bioresearch Center Inc. (Abbott) is a company incorporated in Delaware with its principal place of business at 100 Abbott Park Road, Abbott Park, Illinois 60064.

### **THE PSN PATENTS**

9. PSN is the assignee of, and owns all rights, title and interest in and to, and has standing to sue for past, present and future infringement of: United States Patent No. 5,585,476, entitled “Molecular Cloning And Expression of G-Protein Coupled Receptors,” issued on December 17, 1996 (“the ‘476 patent”) (Exhibit A); United States Patent No. 5,856,443, entitled “Molecular Cloning And Expression of G-Protein Coupled Receptors,” issued on Jan. 5, 1999 (“the ‘443 patent”) (Exhibit B); and United States Patent No. 6,518,414B1, entitled “Molecular Cloning And Expression of G-Protein Coupled Receptors,” issued on Feb. 11, 2003 (“the ‘414 patent”) (Exhibit C) (collectively “PSN’s Patents”).

### **JURISDICTION AND VENUE**

10. This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. §§ 1331 and 1338(a).

11. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(b), (c), (d) and/or 1400(b).

### **THE DEFENDANTS’ ACTS OF PATENT INFRINGEMENT**

12. Defendant GenScript commits direct and/or contributory infringement, and/or induces infringement, of claims of at least the ‘476, ‘443 and ‘414 patents pursuant to 35 U.S.C. §§ 271(a)-(c) through, among activities, the manufacture, use, offer for sale, sale, and/or distribution of products and service utilizing Sphingosine 1-Phosphate Receptor 2/ aka Edg 5/ aka  $p^{H218}$  (“S1P2”) that fall within the scope of claims of these patents, including, but not limited to, at least the following:

- a. Mus musculus endothelial differentiation, sphingolipid G-protein-coupled receptor 5 (Edg 5), cDNA (GenScript Gene ID GN075334);
- b. Homo sapiens endothelial differentiation, sphingolipid G-protein-coupled receptor 5 (Edg 5), cDNA (GenScript Gene ID GN036200);
- c. Endothelial differentiation, sphingolipid G-protein-coupled receptor 5 (Edg 5), cDNA (GenScript Gene ID GN04762);
- d. Rattus norvegicus endothelial differentiation, sphingolipid G-protein-coupled receptor 5 (Edg5), cDNA (GenScript Gene ID GN078535);
- e. Danio rerio endothelial differentiation, sphingolipid G-protein-coupled receptor 5 (Edg 5), cDNA (GenScript Gene ID GN414210);
- f. Macaca mulatta endothelial differentiaion, sphingolipid G-protein-coupled receptor 5 (Edg 5), cDNA (GenScript Gene ID GN733925);
- g. Human Recombinant EDG5 Lysophospholipid Receptor Stable Cell Line (Cat No. M00197);
- h. Custom bio assays involving EDG5; and
- i. Custom ORF cloning involving EDG5.

13. Defendant, Life Technologies, commits direct and/or contributory infringement, and/or induces infringement, of claims of at least the '476, '443 and '414

patents pursuant to 35 U.S.C. §§ 271(a)-(c) through, among activities, the manufacture, use, offer for sale, sale, and/or distribution of products and service utilizing Sphingosine 1-Phosphate Receptor 2/ aka Edg 5/ aka  $P^{H218}$  (“S1P2”) that fall within the scope of claims of these patents, including, but not limited to, at least the following:

- a. Silencer® Select siRNAs (ID Nos. s17766, s17768, and s17767 (inventoried); and s66916, s66918, s66917, s131360, s131362, s131361 (Custom Designed Silencer® Select siRNA to this target);
- b. Silencer® siRNAs (Assay ID Nos. 45076, 44984, 137488, 164753, 164752, 164751, 198250, 198252, 198251, 49961, 49869, 50053);
- c. TaqMan® Gene Expression Assays (Assay ID Nos. Mm02620208\_s1, Mm011794\_m1, Rn02130568\_s1, Bt03254486\_m1, Rn00567877\_m1, Rh02914944\_m1, Cf02702733\_s1, Cf02647652\_m1, Hs01009968\_s1, Hs01003373\_m1, Hs00244677\_s1);
- d. TaqMan® SNP Genotyping Assays (Assay ID Nos. C27510780\_10, C27856527\_10, C\_27838931\_10, C\_29287760\_10, C\_9322501\_10, C\_9322502\_10, C\_9322503\_10, C\_15880113\_20, C\_15860077\_20, C\_15880076\_20, C\_15880077\_20, C\_9322485\_10, C\_60865998\_10);
- e. TaqMan® Gene Copy Number Assays (Assay ID Nos. Hs004882604\_cn, Hs02259690\_cn, Hs02525385\_cn, Hs00545058\_cn, Hs01333615\_cn, Hs0133615\_cn, Hs0412646\_cn,

Hs04489025\_cn, Hs04019975\_cn, Hs04026894\_cn,  
Hs04023556\_cn, Hs04033045\_cn, Hs04015074\_cn,  
Hs04015548\_cn);

- f. Various Ambion® siRNAs; and
- g. Stealth siRNAs™ (Catalog Nos. RSS309066, RSS309067, RSS3090608, HSS113773, HSS113774, HSS113775).

14. Defendant Dharmacon commits direct and/or contributory infringement, and/or induces infringement, of claims of at least the ‘476, ‘443 and ‘414 patents pursuant to 35 U.S.C. §§ 271(a)-(c) through, among activities, the manufacture, use, offer for sale, sale, and/or distribution of products and service utilizing Sphingosine 1-Phosphate Receptor 2/ aka Edg 5/ aka p<sup>H218</sup> (“S1P2”) that fall within the scope of claims of these patents, including, but not limited to, at least the following:

- a. EDG5 Rat Accell siRNAs (Catalog Nos. E-091187-00, EQ-091187-00, EU-091187-00, A-091187-13, A-091187-14, A-091187-15, A-091187-16);
- b. EDG5 Rat On-Target plus siRNAs (Catalog Nos. L-09118-01, LQ-09118-01, LU-09118-01, J-09118-09, J-09118-10, J-09118-11, J-09118-12);
- c. EDG5 Rat siGenome siRNAs (Catalog Nos. M-091187-00, MQ-091187-00, MU-091187-00, D-091187-01, D-091187-02, D-091187-03, D-091187-04);

- d. EDG5 Mouse Accell siRNAs (Catalog Nos. E-06375-00, EQ-06375-00, EU-06375-00, A-06375-13, A-06375-14, A-06375-15, A-06375-16);
- e. EDG5 Mouse On Target Plus si RNAs (Catalog Nos. L-063765-00, LQ-063765-00, LU-063765-00, J-063765-05, J-063765-06, J-063765-07, J-063765-08);
- f. EDG5 Human siGenome siRNAs (Catalog Nos. M-003952-03, MQ-003952-03, MU-003952-03, D-003952-05, D-003952-09, D-003952-10, D-003952-11);
- g. EDG5 Human Accell siRNA (Catalog Nos. E-003952-00, EQ-003952-00, EU-003952-00, A-003952-20, A-003952-21, A-003952-22, A-003952-23);
- h. EDG5 Human On-Target plus siRNA (Catalog Nos. L-003952-00, LQ-003952-00, LU-003952-00, J-003952-12, J-003952-13, J-003952-14, J-003952-15);
- i. S1pr2 Mouse siGenome siRNA (Catalog Nos. M-063765-01, MU-063765-01, MQ-063765-01, D-063765-01, D-063765-02, D-063765-03, D-063765-04);
- j. Panomics Probe set for Human EDG5 (Catalog No. PA-11564);
- k. SMARTvector Lentiviral shRNA – Human EDG5 (Catalog Nos. SH-003952-01-10, SH-003952-02-10, SH-003952-03-10, SK-003952-00-10, SK-003952-01-25);

- l. SMARTvector Lentiviral shRNA – Mouse EDG5 (Catalog Nos. SH-003765-01-10, SH-003765-02-10, SH-003765-03-10, SK-003765-00-10, SK-003765-01-25); and
- m. SMARTvector Lentiviral shRNA – Rat EDG5 (Catalog Nos. SH-091187-01-10, SH-091187-02-10, SH-091187-03-10, SK-091187-00-10, SK-091187-01-25).

15. Defendant Open Biosystems commits direct and/or contributory infringement, and/or induces infringement, of claims of at least the ‘476, ‘443 and ‘414 patents pursuant to 35 U.S.C. §§ 271(a)-(c) through, among activities, the manufacture, use, offer for sale, sale, and/or distribution of products and service utilizing Sphingosine 1-Phosphate Receptor 2/ aka Edg 5/ aka  $p^{H218}$  (“S1P2”) that fall within the scope of claims of these patents, including, but not limited to, at least the following:

- a. shRNAs and RNAis (Catalog Nos. RHS1764-9400369, RHS4430-98841596, RHS4430-99881061, RHS4430-99881625, RHS4430-99882219, RHS4430-99882231, RHS4430-99883018, RHS4430-99889733, RHS4430-99890235, RHS4430-99891860, and RHS4696-99355048);
- b. cDNAs (Catalog Nos. RHS4531-NM\_004230, RHS4533-NM\_004230, RMM4530-NM\_010333, RMM4532-NM\_010333, and RMM4534-NM\_010333); and
- c. Full length cDNA (Catalog No. MHS1010-98684740).

16. Defendant Abbott commits direct and/or contributory infringement, and/or induces infringement, of claims of at least the ‘476, ‘443 and ‘414 patents through use or



testing of a product's reaction with S1P2, that fall within the scope of claims of these patents.

**RELIEF REQUESTED**

17. Infringement by each of the defendants has injured Plaintiff PSN and PSN is entitled to recover damages adequate to compensate it for infringement of PSN's Patents, pursuant to 35 U.S.C. §§ 284, 285. If the infringement is found to be intentional and willful, then PSN will seek treble damages pursuant to 35 U.S.C. § 284.

18. Infringement will continue to injure PSN until this Court enters an injunction prohibiting further infringement, and specifically enjoins further manufacture, sale, use and/or offer for sale of the infringing products and services recited in Paragraphs 12-16, above, pursuant to 35 U.S.C. § 283.

**PRAYER FOR RELIEF**

WHEREFORE, PSN asks this Court to enter judgment against the defendants, and against their subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

A. An award of damages adequate to compensate PSN for the infringement of PSN's Patents that has occurred, together with prejudgment interest.

B. Increased damages as permitted under 35 U.S.C. § 284.

C. A finding that the case is exceptional and an award to PSN of its attorney fees and costs as provided by 35 U.S.C. § 285.

D. A permanent injunction prohibiting further infringement, inducement and contributory infringement of PSN's Patents.

E. Such other and further relief as this Court or a jury may deem proper and just.

**JURY DEMAND**

PSN demands a trial by jury on all issues presented in this Complaint.

FOR PSN ILLINOIS, LLC

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